



Montgomery County Council

For Immediate Release

July 12, 2005

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COUNCIL LAUNCHES INDEPENDENT FACT-FINDING REVIEW OF CLARKSBURG TOWN CENTER DEVELOPMENT

OLO Review First Step in Look at Whole County Development Process

The County Council today announced a series of actions designed to review County development processes, starting with an assignment to the Office of Legislative Oversight (OLO) to undertake an independent fact-finding review of the Clarksburg Town Center land use development approval, implementation, and enforcement process.

OLO, the Council's equivalent to the federal Government Accountability Office (GAO), will carry out the first phase of a multi-phased effort that the Council will undertake in order to better understand the issues surrounding Clarksburg Town Center development, and to provide policy guidance and recommendations for all government and private participants in the County's overall land development process.

In addition to the OLO review, the Council has asked the Montgomery County Planning Board and the County Department of Permitting Services to immediately begin a review of site plans approved within the last two years to ensure that work being done is in accordance with the specifications of the approved plans. The Council expects to receive an initial report within 60 days. In addition, the Planning Board has agreed to forward to the Council within two weeks an assessment of the increased staffing necessary to adequately review and regulate present and future site plans, and all site plans now pending will receive heightened scrutiny.

"All Montgomery County residents—including present and future Clarksburg families—deserve to be confident that the Town Center is laid out and built according to the Clarksburg Master Plan and each specific project approval," said Council President Tom Perez.

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“Clarksburg will be the last large ‘new town’ in Montgomery County, and the Council, with active participation by the development and civic communities, invested much time and thought in that master plan so that all of Clarksburg will reflect the best of current planning. The serious implementation issues uncovered thus far -- mainly due to diligent research and vigorous questioning by Clarksburg residents -- call public confidence into question about Clarksburg in particular and the whole development process in general.

“OLO is the right office to do this fact-finding because they are independent, knowledgeable, highly respected, and can do this job in a timely fashion. I expect we’ll have this report ready by mid-September.”

According to Perez, OLO will also stay in touch with the County’s Inspector General, whose mandate is to investigate “fraud, waste, and abuse” in County government.

“I continue to be deeply concerned with the issues in Clarksburg, and I expect that OLO will provide the information necessary to allow the Council to take the appropriate corrective actions,” said Mike Knapp, Councilmember for District 2, which includes Clarksburg.

The Council has requested a report from OLO that includes:

- A chronology of relevant events related to the development approval and implementation of Clarksburg Town Center;
- A description of how the development approval and implementation process is intended to work, and how it actually has worked to date in Clarksburg Town Center;
- Identification of inconsistencies, flawed processes, lack of coordination, or other problems that occurred in the development approval and implementation of Clarksburg Town Center; and
- A list of further questions that the Council should seek answers to and recommended next steps the Council should take concerning the issues raised by this fact-finding.

“OLO’s fact-finding review will proceed independent of the adjudicatory processes that are currently underway at the Planning Board regarding specific violations that have occurred in the Clarksburg Town Center development process,” said Perez. “After we receive OLO’s findings in September, the
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Council will take whatever next steps are necessary to restore the public's trust in the County's land use policies and procedures."

"This OLO review is consistent with the type of review previously proposed by Planning staff," said Derick Berlage, chair of the Montgomery County Planning Board. "We believe that this OLO review can help move the ball forward and assist us in figuring out what went wrong and why."

"We will not limit our focus to Clarksburg," said Perez. "We intend to look at the entire land use development review and implementation process in the County. The information we get will help us begin the process of determining whether the issues uncovered in Clarksburg exist elsewhere."

"The unfolding of a new community in Clarksburg is too important to our County's future to be compromised in any way by process flaws and lack of coordination on the ground," said Perez. "Much remains to be done there, and we must all do all we can to make sure it gets done right -- in Clarksburg and in the County as a whole."

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Attached find the text of Council President Tom Perez's memo to the Office of Legislative Oversight.

MEMORANDUM

July 12, 2005

TO: Karen Orlansky, Director
Office of Legislative Oversight

FROM: Thomas E. Perez, Council President

SUBJECT: **Independent Fact-finding Review of the Clarksburg Town Center Development Approval and Implementation Process**

This memo serves as the County Council's formal request that the Office of Legislative Oversight (OLO) undertake an independent fact-finding review of the Clarksburg Town Center land use development approval and implementation process. OLO's fact-finding review will be one of multiple efforts that the Council will undertake in order to better understand the issues surrounding Clarksburg Town Center, and to

provide policy guidance and recommendations for all government and private participants in the County's overall land development process.

All Montgomery County residents – including present and future Clarksburg families – deserve to be confident that the Town Center is laid out and built according to the Clarksburg Master Plan and each specific project approval. Clarksburg will be the last large “new town” in Montgomery County, and the Council, with active participation by the development and civic communities, invested much time and thought in that master plan so that all of Clarksburg will reflect the best of current planning. The serious implementation issues uncovered thus far -- mainly due to diligent research and vigorous questioning by Clarksburg residents -- call that confidence into question.

In terms of fact-finding, the Council asks that you conduct a review of documents, supplemented with interviews as you deem appropriate, in order to develop a written report that includes:

- A chronology of relevant events related to the development approval and implementation of Clarksburg Town Center;
- A description of how the development approval and implementation process is intended to work, and how it actually has worked to date in Clarksburg Town Center;
- Identification of inconsistencies, flawed processes, lack of coordination, or other problems that occurred in the development approval and implementation of Clarksburg Town Center; and
- A list of further questions that the Council should seek answers to and recommended next steps the Council should take concerning the issues raised by your fact-finding.

Planning Board Chairman Derick Berlage and County Government Chief Administrative Officer Bruce Romer have agreed to lend the full cooperation of their respective agencies to this fact-finding review. We would like to receive your report by mid-September. Please keep me informed of the status of your work and let me know if you find that additional time is needed.

The Council understands that adding this additional assignment to OLO's Work Program will affect the target dates of completion for other projects. I recommend that you provide the Council with a revised FY06 Work Program production schedule shortly after you complete this fact-finding review.

c: Derick Berlage, Chairman, Montgomery County Planning Board
Bruce Romer, Chief Administrative Officer, Montgomery County Government